IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 73 OF 2005

IN

SUIT NO. 3711 OF 2004

Reuters India Pvt. Ltd., .. Plaintiff

vs.

Escorts Asset Management Ltd., .. Defendants.

Ms. Padmaja Dholakia a/w
Ms. Vandana Gupte i/by Dholakia Gupte & Co.
for plaintiff.
Ms. R.V. Thakker i/by Dave Girish & Co.
for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 19th OCTOBER, 2005.

P.C.

. The present suit is filed for the recovery of a sum of Rs. 1,29,876.00. The claim is in the form of liquidated damages. It is well settled that claim for liquidated damages cannot be awarded unless the same is proved by the party claiming the same. In that view of the matter, I find that triable issues arise in the present case. Summons

for judgment dismissed. Unconditional leave granted to the defendant to defend the suit.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.